

House Resolution 75

By: Representative Scott of the 153rd

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for state-wide grand juries; to
2 provide for the jurisdiction, powers, and duties of state-wide grand juries; to authorize the
3 General Assembly to provide by law for procedures for the summoning and empaneling of
4 state-wide grand juries; to provide for a presiding judge; to provide that the Attorney General
5 or his or her designee shall act as the legal adviser and prosecutor for such state-wide grand
6 juries; to provide for the submission of this amendment for ratification or rejection; and for
7 other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article VI of the Constitution is amended by adding at the end thereof a new Section XI to
11 read as follows:

12 "SECTION XI.

13 STATE-WIDE GRAND JURIES

14 Paragraph I. *State-wide grand juries.* (a) State-wide grand juries shall be summoned
15 and empaneled upon petition of the Attorney General to the Supreme Court under
16 procedures provided by law.

17 (b) A state-wide grand jury shall consist of not fewer than 13 nor more than 23 persons.
18 The jurisdiction of a state-wide grand jury shall extend throughout the state, and it may
19 investigate and return indictments for crimes committed anywhere within the state. The
20 term of any such state-wide grand jury shall not exceed 12 months.

21 (c) The Chief Justice of the Supreme Court shall designate a superior court judge to act
22 as presiding judge for each state-wide grand jury. Upon designation by the Chief Justice,
23 the presiding judge shall summon and empanel a state-wide grand jury in accordance with
24 procedures provided by law.

(d) The Attorney General or his or her designee shall act as legal adviser to any state-wide grand jury. The Attorney General, in his or her discretion, may designate any member of his or her staff or any district attorney to provide legal advice, counsel, or assistance to a state-wide grand jury.

(e) The subject matter jurisdiction of state-wide grand juries shall extend to the investigation and indictment of persons and other legal entities for any crime involving corruption in the executive, legislative, or judicial branch of the state, any political subdivision or municipality of the state, or any authority or instrumentality of the state, a political subdivision, or municipality; fraud by a vendor or recipient of goods or services for which funding has been provided by the Department of Medical Assistance; any violation of the election laws of this state; violation of the oath of a public officer; bribery; false statements, representations, or writings concerning matters within the jurisdiction of state and local governments; conspiracy to defraud the state or any political subdivision or municipality thereof; and any other criminal activity for which the Governor has directed the Attorney General to petition the Supreme Court for the empaneling of a state-wide grand jury.

(f) It shall not be necessary for a proposed bill of indictment to be presented to a state-wide grand jury prior to its engaging in investigative activities. The attendance of witnesses and the production of documents at such investigations may be compelled by subpoena, signed by any official authorized by the state-wide grand jury to issue such process."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide for state-wide grand juries which shall have the authority to investigate and indict for crimes committed anywhere in the state, including those committed by public officials; to provide for the types of offenses which may be investigated and acted upon by such state-wide grand juries; to provide for a presiding judge; to provide authority for the Attorney General or his or her designee to act as legal adviser and to prosecute any indictments rendered by such state-wide grand juries; and to further authorize the General Assembly to establish by law procedures for the summoning and empaneling of such state-wide grand jurors?"

60 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
61 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
62 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
63 become a part of the Constitution of this state.